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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,356	01/28/2004	Brian L. Patterson	200208247-1	4878

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EXAMINER

SENSENIG, SHAUN D

ART UNIT	PAPER NUMBER
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4176

NOTIFICATION DATE	DELIVERY MODE
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04/17/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/767,356	Applicant(s) PATTERSON ET AL.	
	Examiner Shaun Sensenig	Art Unit 4176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20040701</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered (Brian L. Patterson et al., U.S. Pat. App. Serial No. 10/457,868).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tohyama (Pub. No. US 2002/0091645 A1) (hereafter referred to as Tohyama).

4. Tohyama teaches:

5. (1) A method of computing, comprising: at a processor in a storage network: receiving a service request; generating, in response to the received service request, a token request for a service token; transmitting the token request to a server communicatively connected to the storage network; and at the server: validating the token request; transmitting to the processor a response to the validated token request; and invoking, at the processor in the storage network, a service call if the response to the token request includes at least one service token. (0009, lines 9-20)

(2) A method of computing, wherein the service request is generated by at least one of a user of a device in the storage network or by a processor communicatively connected to the storage network.

(3) A method of computing, wherein the service request comprises a request for at least one of a data mirroring service, a remote copy service, a back-up service, a recovery service, or a LUN extension service. (0009, lines 9-20)

(4) A method of computing, wherein generating a token request comprises retrieving at least one account identifier for an account associated with a device in the storage network. (0009, lines 9-20 and S216 and 0124, lines 2-6)

(5) A method of computing, wherein generating a token request comprises incorporating into the token request information identifying the service request. (0009,

lines 9-20)

(6) A method of computing, wherein validating the token request comprises validating the at least one account identifier associated with the service request. (0009, lines 9-20 and S216 and 0124, lines2-6)

(7) A method of computing, wherein validating the token request comprises determining whether the account associated with the at least one account identifier comprises sufficient credit to receive a token. (0051, lines14-17)

(9) A method of computing, wherein the response to the token request comprises at least one of: an account identifier; an account balance; a code, decipherable by the processor, granting or denying permission to invoke the service call; and a software module, executable by the processor, for invoking the service call. (0009, lines 9-20 and S216 and 0124, lines2-6)

(10) A method of computing, further comprising updating account information at the processor in the storage network. (0098, lines25-26)

6. Claims 11-16, 19-22, and 30-34 are rejected under 35 U.S.C. 102(b) as being anticipated by ibackup.com (hereafter referred to as IBackup). This website was retrieved from the Wayback Machine on January 24, 2003.

7. IBackup teaches:

8. (11) A method of implementing fee-based storage services, comprising: receiving, at a processor in a storage device, a service request; executing the service

request; and transmitting, to an account server, information identifying an account associated with the processor and the service request.

(12) A method of implementing fee-based storage services, wherein the service request comprises a request for at least one of a data mirroring service, a remote copy service, a back-up service, a recovery service, or a LUN extension service.

(13) A method of implementing fee-based storage services, wherein the processor maintains account information associated with one or more storage devices, and wherein the processor updates account information to reflect execution of the service request.

(14) A method of implementing fee-based storage services, further comprising receiving, from the account server a response comprising at least one of: an account identifier; an account balance; a code, decipherable by the processor, granting or denying permission to invoke the service call; and a software module, executable by the processor, for invoking the service call.

(15) A method of implementing fee-based storage services, comprising: receiving, at a server communicatively connected to at least one storage device, a token request including information identifying an account associated with the storage device; validating the token request; and transmitting, to the storage device, a response to the token request, wherein the response includes at least one of: an account identifier; an account balance; a code, decipherable by the processor, granting or denying permission to invoke the service call; and a software module, executable by the

processor, for invoking the service call.

(16) A method of implementing fee-based storage services, wherein validating the token request comprises validating the information identifying an account associated with the service request.

(19) A method of implementing fee-based storage services, comprising: receiving, at a processor in a storage device, a service request; executing the service request; and updating an account to reflect execution of the service request.

(20) A method of implementing fee-based storage services, wherein the service request is generated by at least one of a user of a device in the storage network or by a processor communicatively connected to the storage network.

(21) A method of implementing fee-based storage services, wherein the service request comprises a request for at least one of a data mirroring service, a remote copy service, a back-up service, a recovery service, or a LUN extension service.

(22) A method of implementing fee-based storage services, further comprising transmitting account information to a remote server.

(30) A method of implementing fee-based storage services, comprising: receiving, at a processor in a storage network, a service request; generating a token request for a service token; transmitting the token request to a server communicatively connected to the storage network; and invoking a service call at the processor if the response to the token request comprises at least one token granting permission to execute the service request.

(31) A method of implementing fee-based storage services, wherein the service request is generated by at least one of a user of a device in the storage network or by a processor communicatively connected to the storage network.

(32) A method of implementing fee-based storage services, wherein the service request comprises a request for at least one of a data mirroring service, a remote copy service, a back-up service, a recovery service, or a LUN extension service.

(33) A method of implementing fee-based storage services, wherein the response to the token request comprises at least one of: an account identifier; an account balance; a code, decipherable by the processor, granting or denying permission to invoke the service call; and a software module, executable by the processor, for invoking the service call.

(34) A method of implementing fee-based storage services, further comprising updating account information at the processor in the storage network. (page 1, Member Login and page 1, Sub Accounts)

9. Claims 23-26 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikeuchi et al. (Pub. No. US 2003/0018851 A1) (hereafter referred to as Ikeuchi).

10. Ikeuchi teaches:

11. (23) A computer-based data storage device, comprising: means for providing access to data storage; means for enabling communication with one or more remote computing devices; account management means for managing account information

associated with the computer-based storage device; and processing means for receiving a service request and executing the service request based on input from the account management means or a remote computing device. (0014, lines 1-5 and 0053 and 0056)

(24) A computer-based data storage device, wherein the means for providing access to data storage comprises a disk controller.

(25) A computer-based data storage device, wherein the means for providing access to data storage comprises a RAID controller. (Abstract)

(26) A computer-based data storage device, wherein the means for enabling communication with one or more remote computing devices comprises a I/O module.

(29) A computer-based data storage device, wherein the processing means comprises means for requesting permission from a remote computing device to execute the service request. (0053 and 0056, lines 1-5)

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tohyama, in view of Mutschler et al. (Pub. No. US 2002/0069148 A1) (hereafter referred to as Mutschler).

14. Tohyama discloses a method of computing, as applied above in the rejection of claims 1, 4, 5, and 7 under 35 U.S.C. 102(b), but Tohyama does not disclose retrieving information from a third-party credit bureau.

15. However, Mutschler teaches a similar system that also includes:

16. (8) A method of computing, further comprising retrieving information from a third-party credit bureau (0015, lines 5-9).

17. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Tohyama to include retrieving information from a third-party credit bureau , in accordance with the teachings of Mutschler, in order to accurately and efficiently manage user accounts.

18. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over IBackup, in view of Tohyama.

19. IBackup discloses a method of implementing fee-based storage services, as applied above in the rejection of claim 15 under 35 U.S.C. 102(b), but IBackup fails to disclose that validating the token request comprises determining whether an account associated with the service request comprises sufficient credit to receive a token.

20. However, Tohyama teaches a similar system that also includes:

21. (17) A method of implementing fee-based storage services, wherein validating the token request comprises determining whether an account associated with the service request comprises sufficient credit to receive a token (0051, lines 14-17).

22. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of IBackup to include that validating the token request would comprise determining whether an account associated with the service request comprises sufficient credit to receive a token, in accordance with the teachings of Tohyama, in order to accurately and efficiently decide which service requests should be performed.

23. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over IBackup in view of Tohyama, as applied to claim 17 above, and further in view of Mutschler.

24. Neither IBackup nor Tohyama disclose retrieving information from a third-party credit bureau.

25. However, Mutschler teaches a similar system that also includes:

26. (18) A method of implementing fee-based storage services, further comprising retrieving information from a third-party credit bureau (0015, lines 5-9).

27. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have further modified the system of Tohyama so as to include retrieving information from a third-party credit bureau, in accordance with the teachings of Mutschler, in order to accurately and efficiently manage user accounts.

28. Claim 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeuchi, in view of Tohyama.

29. Ikeuchi discloses a computer-based data storage device, as applied above in the rejection of claim 23 under 35 U.S.C. 102(b), but Ikeuchi discloses neither that the account management means comprise means for updating the balance of an account stored on a local storage medium, nor that the processing means comprise means for determining whether an account stored on a local storage medium comprises sufficient credit to execute the service request.

30. However, Tohyama teaches a similar system that also includes:

31. (27) A computer-based data storage device, wherein the account management means comprise means for updating the balance of an account stored on a local storage medium (0098, lines25-26).

(28) A computer-based data storage device, wherein the processing means comprise means for determining whether an account stored on a local storage medium comprises sufficient credit to execute the service request. (0051, lines14-17)

32. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Ikeuchi so as to include both that the account management means would comprise means for updating the balance of an account stored on a local storage medium, and that the processing means would comprise means for determining whether an account stored on a local storage medium

comprises sufficient credit to execute the service request, in accordance with the teaching of Tohyama, in order to accurately and efficiently manage user accounts.

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chamberlain et al. (Pub. No. WO/2002/021416) discloses a system for conducting financial transactions through remotely connected terminals.

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun Sensenig whose telephone number is (571) 270-5393. The examiner can normally be reached on Monday to Thursday 7:30 to 5:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

35. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. S./
Examiner, Art Unit 4176
April 9, 2008

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 4176